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TO RUEHC/SECSTATE WASHDC PRIORITY 9480  
INFO RUEHII/VIENNA IAEA POSTS COLLECTIVE PRIORITY  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 0259  
RUEHBI/AMCONSUL MUMBAI PRIORITY 0069  
RHEBAAA/DOE WASHDC PRIORITY  
RUEANFA/NRC WASHDC PRIORITY

UNCLAS UNVIE VIENNA 000235

SIPDIS

STATE FOR P, T, SCA, ISN, AND IO  
DOE FOR NA-24 - WHITNEY AND GOOREVICH  
NRC FOR IOP - DOANE AND SCHWARTZMAN

E.O. 12958: N/A  
TAGS: [KNNP](#) [ENRG](#) [TRGY](#) [IN](#)  
SUBJECT: INDIA SAFEGUARDS: TWO MORE STEPS

REF: A. INFCIRC/731 - INDIA'S SEPARATION PLAN  
[1](#)B. GOV/2008/30 - INDIA SAFEGUARDS AGREEMENT

[1](#)1. Summary. India has brought into force its safeguards agreement, approved by the IAEA Board of Governors in August [1](#)2008. Before safeguards can be applied, India needs to declare its civil facilities to the IAEA. After that, implementation of other safeguards agreements covering those facilities could be suspended. India also signed its Additional Protocol, approved by the Board in March 2009. The AP will not enter into force until the Secretariat receives notification from India that any domestic ratification process has been completed, although the Indian Charge told DCM that GOI ratification processes were now complete.

[1](#)2. Entry Into Force of Safeguards Agreement. On May 18, IAEA Director of External Affairs Vilmos Czerweny confirmed that India had brought its safeguards agreement into force and signed its Additional Protocol. On May 11, India informed the IAEA by letter that it had completed the necessary steps under its domestic laws to bring its safeguards agreement into force. However, India has given no indication, either to the IAEA or to Mission, of when it would provide the declaration of civil facilities required under Article 13 of its safeguards agreement (REF A). Although India has publicly committed to place its civil facilities under IAEA safeguards (REF B), the safeguards agreement remains an empty vessel until India makes the required declaration and the notifications of individual facilities to be safeguarded as set forth for in Article 14(a) of its safeguards agreement. On May 20, DCM spoke with Indian Charge, who confirmed that India was working on the facility declaration and was optimistic that it would move quickly once the new government was seated in New Delhi, particularly given the lift the election has given to the Congress-led UPA coalition.

[1](#)3. Suspension of Other Agreements. India's safeguards agreement also provides for suspending implementation of safeguards under other agreements, once India places the relevant facilities under the new agreement. Such suspension must be agreed by the parties. Most of India's safeguards agreements are bilateral agreements between India and the IAEA that cover supply arrangements with France, China, Russia and the United States. India and the IAEA may agree to suspend implementation of safeguards under these agreements once India notifies the Agency of the facilities in question. In addition, there is a trilateral agreement with Canada covering the Rajasthan Atomic Power Station (RAPS), Units 1 and 2. Suspending safeguards under this agreement would require agreement by Canada. Since those facilities and materials are already under safeguards, suspension is an administrative convenience and not a legal

requirement. On May 29 MsnOff spoke with IAEA Principal Legal Officer for safeguards Laura Rockwood, who said there has been no consideration yet of any of these suspensions.

14. Signature of Additional Protocol. On May 15, the day before India's election results were announced, Indian Ambassador Saurabh Kumar and IAEA Director General Mohamed ElBaradei signed the Additional Protocol to India's safeguards agreement. The Additional Protocol will enter into force once India formally notifies the IAEA that it has completed the necessary steps under its domestic laws to bring it into force.

SCHULTE